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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2652 OF 2006

Mohd. Abdul Razak Shaikh & ors. Petitioners
versus
Mr.Bajare, API and others Respondents

ALONG WITH
CRIMINAL WRIT PETITION NO.2114 OF 2006

Ashram Mohammed Aslam Shaikh Petitioner
versus
Bajare, API and others Respondents

ALONG WITH
CRIMINAL WRIT PETITION NO.622 OF 2006

Sabira A. Sikhwani Petitioner
versus
Inspector of Police, J.J.Marg
Police Station and others Respondents

Mr.A.P.Mundargi i/by Ganesh Gole for petitioner in WP No.2652 of 2006.

Mr.S.S.Redekar for petitioner in WP No.2114/2006

Mr.S.V.Marwadi for petitioners in WP No.622/2006.

Mr.S.R.Borulkar, Public Prosecutor with Mr.D.S.Mhaispurkar, APP for respondents.

CORAM : SMT.RANJANA P. DESAI AND
D.B.BHOSALE, JJ.

DATE : 14th June 2007

PC :

1. Heard learned counsel for the parties.

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Learned counsel have agreed and fairly stated that for the order which we propose to pass no reasons need to be given. Hence following order.

2. We direct the learned Metropolitan Magistrate, 17th Court, at Mazgaon, Mumbai to consider the final report filed by the Police under section 173 of the Code of Criminal Procedure afresh and in the light of the judgment of the Supreme Court in Minu Kumari and another Vs. State of Bihar and others [(2006)4-SCC.359], more particularly having regard to paragraph nos.11 and 12 thereof and pass appropriate orders in accordance with law after giving opportunity of hearing to the parties. We make it clear that we have not expressed any opinion on the controversy.

3. Writ Petitions are disposed of in the above terms.

(SMT.RANJANA P. DESAI, J.)

(D.B.BHOSALE, J.)